

REMARKS

The applicant respectfully requests reconsideration in view of the following remarks. The applicant has deleted the preferable language from claim 1. Support for newly added claim 30 can be found in claim 1. **The applicant authorizes the USPTO to charge for the applicant's American Express for the extra claim over twenty added.**

Claims 1-2, 4-5, 7-12, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by US 2004/0147742 (Wong) as evidenced by US 20030039858 (Igarashi). Claims 3, 14, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong. Claims 15-20 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong in view of US 20030168970 (Tominaga). Claims 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wong in view of *Applied Physics Letters*, 2002, vol. 81, no. 4, p. 577-579 (Wu). Claims 1, 5-6, 11-12, 15-20, 22-26, and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tominaga. The applicant respectfully traverses these rejections.

Rejections Over Wong

Claims 1-2, 4-5, 7-12, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Wong as evidenced by Igarashi. Claims 3, 14, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong. Claims 15-20 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong in view Tominaga. Claims 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wong in view of Wu.

Wong does not qualify as a 35 U.S.C. 102 (b) reference. Wong published July 29, 2004. This application is a 371 application of PCT/EP2004/013314 filed November 24, 2004. Wong was not published over one year prior to November 24, 2004. Therefore, Wong does not qualify

as a 35 U.S.C. 102 (b) reference. Wong does qualify as a 35 U.S.C. 102 (e) reference based on its filing date of January 20, 2004. The applicant has ordered a certified English translation of their priority document (DE 103 56 099.8) filed November 27, 2003. The undersigned will submit the Certified English Translation of the priority document shortly after he receives it. The applicant believes that they would be entitled to their effective filing date of November 27, 2003 which would antedate Wong. Since Wong is no longer prior art, these rejections should be withdrawn.

Rejection over Tominaga

Claims 1, 5-6, 11-12, 15-20, 22-26, and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tominaga. Tominaga discloses an OLED that comprises a variety of Spiro compounds of formula (I) as emissive substance in the emissive layer. However, Tominaga does not disclose spiro**bifluorene** derivatives as it is defined that A^1 is different from A^2 , i.e. A^1 and A^2 cannot be single bonds at the same time as asserted by the Examiner in paragraph no. 22 of the office action (see col. 2 of the abstract, paragraph no. 12 line 4, "However, $A^1 \neq A^2$,"). Tominaga discloses further that the OLED can additionally comprise a hole blocking layer. However, Tominaga does not disclose a phosphorescent OLED wherein a spiro compound is used in a hole blocking layer. Paragraph nos. [0017] and [0059] are the paragraphs in Tominaga that specifically mention hole blocking. Tominaga suggests that benzoquinoline derivatives are useful as electron transporting capacity and hole blocking capacity (see paragraph no. [0059] of Tominaga). Tominaga does not suggest any other compounds to be used in the hole blocking layer and does not give any indication that in particular diazine and triazine compounds as required by the applicant's claimed invention could

be particularly useful in this function. Therefore, claim 1 as well as the dependent claims are inventive over Tominaga.

With respect to independent claim 22, as stated above, Tominaga defines that A^1 is different from A^2 , i.e. A^1 and A^2 cannot be single bonds at the same time in formula (1). Formula (1) as disclosed by Tominaga does therefore not embrace spirobifluorene derivatives. Tominaga therefore does not suggest any spirobifluorene derivatives as claimed in pending claim 22. For the above reasons, this rejection should be withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no additional fee is due with this response besides the extra claim over twenty being added. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 14113-00012-US from which the undersigned is authorized to draw.

Dated: September 24, 2009

Respectfully submitted,

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